

CEM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 SEP 18 AM 9:47

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carmelo BEAS-Hernandez,

Defendant

Magistrate Docket No. 07 MJ 2253

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2253

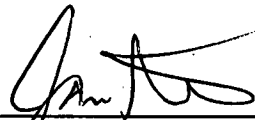
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

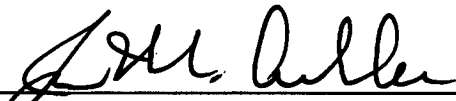
On or about **September 17, 2007** within the Southern District of California, defendant, **Carmelo BEAS-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18<sup>th</sup> DAY OF SEPTEMBER 2007



Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

CEM

## CONTINUATION OF COMPLAINT:

Carmelo BEAS-Hernandez

## PROBABLE CAUSE STATEMENT

On September 17 2007, Supervisory Border Patrol Agent M. Dreyer was assigned line-watch duties in the Imperial Beach, California area of operations. At approximately 12:00 a.m., a Border Patrol scope operator relayed via service radio of a group of individuals running north in an area known as "The Model Airplane Field". Agent Dreyer responded to the general area. Agent Dreyer observed a group of six individuals attempting to hide themselves in some thick brush. This area is approximately 1.5 miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the United States/ Mexico International Boundary.

Agent Dreyer approached the six individuals and identified himself as a United States Border Patrol agent and questioned all six individuals as to their citizenship and immigration status. All individuals, including one later identified as the defendant **Carmelo BEAS-Hernandez**, freely stated that they were citizens and nationals of Mexico without the proper immigration documents that would allow them to enter or remain in the United States legally. All six individuals, including the defendant, were arrested and subsequently transported to the Imperial Beach, California Border Patrol Station.

Routine record checks revealed that the defendant has a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 11, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda Rights. The defendant stated that he understood his rights and was willing to answer questions without the presence of an attorney. The defendant stated that he illegally crossed the United States/Mexico International boundary fence near San Ysidro, California.